



BOARD OF ZONING ADJUSTMENT APPLICATION

City of Columbus, Ohio • Department of Building & Zoning Services

757 Carolyn Avenue, Columbus, Ohio 43224 • Phone: 614-645-7433 • www.columbus.gov

OFFICE USE ONLY

Application Number: 12310-0-00694
Date Received: 11/12/12
Commission/Group: 5th by Northwest
Existing Zoning: _____ Application Accepted by: D. Reiss Fee: \$1,900.00
Comments: 1/22/13

TYPE(S) OF ACTION REQUESTED

(Check all that apply)

☒ Variance ☐ Special Permit

Indicate what the proposal is and list applicable code sections. State what it is you are requesting.

Applicant is proposing a variance from Chapter 3312 ~~off~~ Street Parking and Loading, Section 3312.49, subject to the Fifth by Northwest

Overlay from 102 ~~off~~ site parking spaces to 87 ~~off~~ site parking spaces.

on

PAID
NOV 12 2012
BUILDING & ZONING SERVICES

LOCATION

1. Certified Address Number and Street Name 955 West Fifth Avenue

City Columbus

State OH

Zip 43212

Parcel Number (only one required) 010-063046-00

APPLICANT: (IF DIFFERENT FROM OWNER)

Name _____

Address _____ City/State _____ Zip _____

Phone # _____ Fax # _____ Email _____

PROPERTY OWNER(S):

Name Fifth Avenue Design Center, LLC

Address c/o Simon Saberi, 4844 Adele Court City/State Woodland Hills, CA Zip 91364

Phone # 818.313.8542 Fax # 614.451.3156 Email saberi321@aol.com

☐ Check here if listing additional property owners on a separate page.

ATTORNEY / AGENT (CHECK ONE IF APPLICABLE)

☒ Attorney

☐ Agent

Name Gary B. Gitlitz, Esq.

Address 5003 Horizons Drive, Suite 200 City/State Columbus, OH Zip 43220

Phone # 614.360.1050 Fax # 614.451.3156 Email: gbg@abglawyers.com

SIGNATURES (ALL SIGNATURES MUST BE PROVIDED AND SIGNED IN BLUE INK)

APPLICANT SIGNATURE _____

PROPERTY OWNER SIGNATURE _____

ATTORNEY / AGENT SIGNATURE X [Signature]

PLEASE NOTE: incomplete information will result in the rejection of this submittal.

Applications must be submitted by appointment. Call 614-645-4522 to schedule.

Please make all checks payable to the Columbus City Treasurer



12310-00000-00694
955 WEST 5th AVENUE

CITY OF COLUMBUS

DEPARTMENT OF BUILDING AND ZONING SERVICES

One Stop Shop Zoning Report Date: Fri Nov 30 2012

General Zoning Inquiries: 614-645-8637

SITE INFORMATION

Address: 955 W 5TH AVE Unit 115 COLUMBUS, OH

Mailing Address: 4844 ADELE CT
WOODLAND HILLS CA 91364

Owner: FIFTH AVENUE DESIGN CEN

Parcel Number: 010063046

ZONING INFORMATION

Zoning: ORIG, Manufacturing, M
effective 2/27/1928, Height District H-60

Board of Zoning Adjustment (BZA): N/A

Commercial Overlay: WEST FIFTH AVENUE UCO

Graphic Commission: N/A

Area Commission: 5th by Northwest Area Commission

Planning Overlay: N/A

Historic District: N/A

Historic Site: No

Council Variance: N/A

Flood Zone: OUT

Airport Overlay Environs: N/A

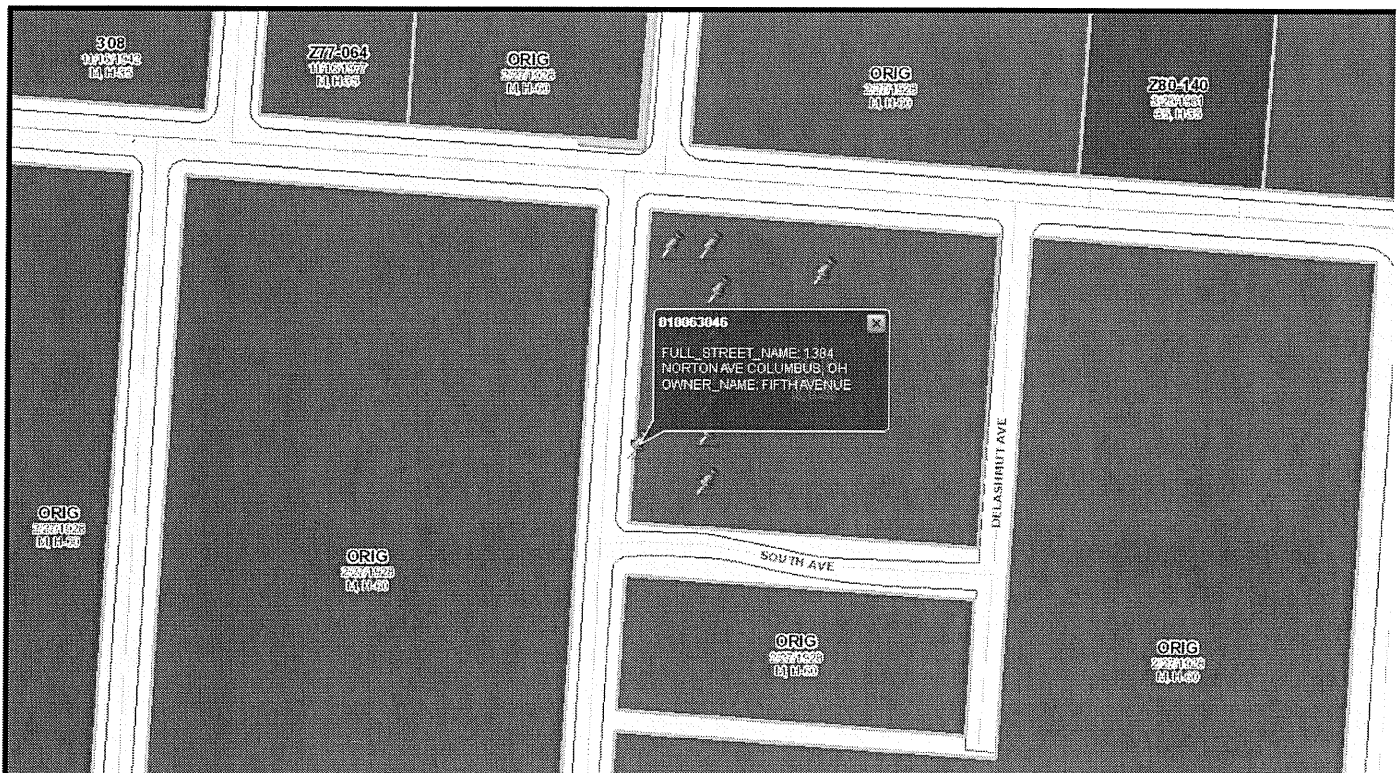
PENDING ZONING ACTION

Zoning: N/A

Board of Zoning Adjustment (BZA): N/A

Council Variance: N/A

Graphic Commission: N/A





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AFFIDAVIT

12310-00000-00694
955 WEST 5th AVENUE

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Gary B. Gitlitz

of (1) MAILING ADDRESS 5003 Horizons Drive, Suite 200, Columbus, OH 43220

deposed and states that (he/she) is the applicant, agent, or duly authorized attorney for same and the following is a list of the name(s) and mailing address(es) of all the owners of record of the property located at

(2) per ADDRESS CARD FOR PROPERTY

for which the application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) _____

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME

(4) Fifth Avenue Design Center, LLC

AND MAILING ADDRESS

c/o Simon Saberi

4844 Adele Court

Woodland Hills, CA 91364

APPLICANT'S NAME AND PHONE #
(same as listed on front of application)

Fifth Avenue Design Center, LLC

c/o Simon Saberi, 818.313.8542

AREA COMMISSION OR CIVIC GROUP

(5) 5th by Northwest Area Commission

AREA COMMISSION ZONING CHAIR OR

Rebecca Obestar

CONTACT PERSON AND ADDRESS

180 King's Ct., Unit C, Columbus, OH 43212

and that the following is a list of the **names** and **complete mailing addresses**, including **zip codes**, as shown on the **County Auditor's Current Tax List or the County Treasurer's Mailing List**, of all the **owners of record of property within 125 feet** of the exterior boundaries of the property for which the application was filed, **and** all of the owners of any property within 125 feet of the applicant's or owner's property in the event the applicant or the property owner owns the property contiguous to the subject property:

(6) PROPERTY OWNER(S) NAME (6A) ADDRESS OF PROPERTY (6B) PROPERTY OWNER(S) MAILING ADDRESS

See attached list

☒ (7) Check here if listing additional property owners on a separate page.

SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 12th day of November, in the year 2012

SIGNATURE OF NOTARY PUBLIC

(8) Liffamy Alspaugh
Nov. 2, 2013

My Commission Expires Nov. 2, 2013

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STATEMENT OF HARDSHIP

APPLICATION # _____

12310-00000-00694

955 WEST 5th AVENUE

3307.09 Variances by Board.

- A. The Board of Zoning Adjustment shall have the power, upon application, to grant variances from the provisions and requirements of this Zoning Code (except for those under the jurisdiction of the Graphics Commission and except for use variances under the jurisdiction of the Council). No variance shall be granted unless the Board finds that all of the following facts and conditions exist:
1. That special circumstances or conditions apply to the subject property that does not apply generally to other properties in the same zoning district.
 2. That the special circumstances or conditions are not the result of the actions of the property owner or applicant.
 3. That the special circumstances or conditions make it necessary that a variance be granted to preserve a substantial property right of the applicant which is possessed by owners of other property in the same zoning district.
 4. That the grant of a variance will not be injurious to neighboring properties and will not be contrary to the public interest or the intent and purpose of this Zoning Code.
- B. In granting a variance, the Board may impose such requirements and conditions regarding the location, character, and other features of the proposed uses or structures as the Board deems necessary to carry out the intent and purpose of this Zoning Code and to otherwise safeguard the public safety and welfare.
- C. Nothing in this section shall be construed as authorizing the Board to affect changes in the Zoning Map or to add to the uses permitted in any district.

I have read Section 3307.09, Variances by Board, and believe my application for relief from the requirements of the Zoning Code satisfies the four criteria for a variance in the following ways:

PLEASE SEE ATTACHED

Signature of Applicant

[Handwritten Signature]

Date

11/12/12

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(a) The Property has recently been renovated from a closed manufacturing and sales facility to a retail and service center within the same zoning classification.

(b) The Owner originally intended the use for the Property would not include a restaurant use for the subject storeroom.

(c) In order to best service the community as well as the Property, the use as a restaurant is the highest and best use for the Property.

(d) The variance will not be injurious to neighboring properties nor be contrary to the zoning code.

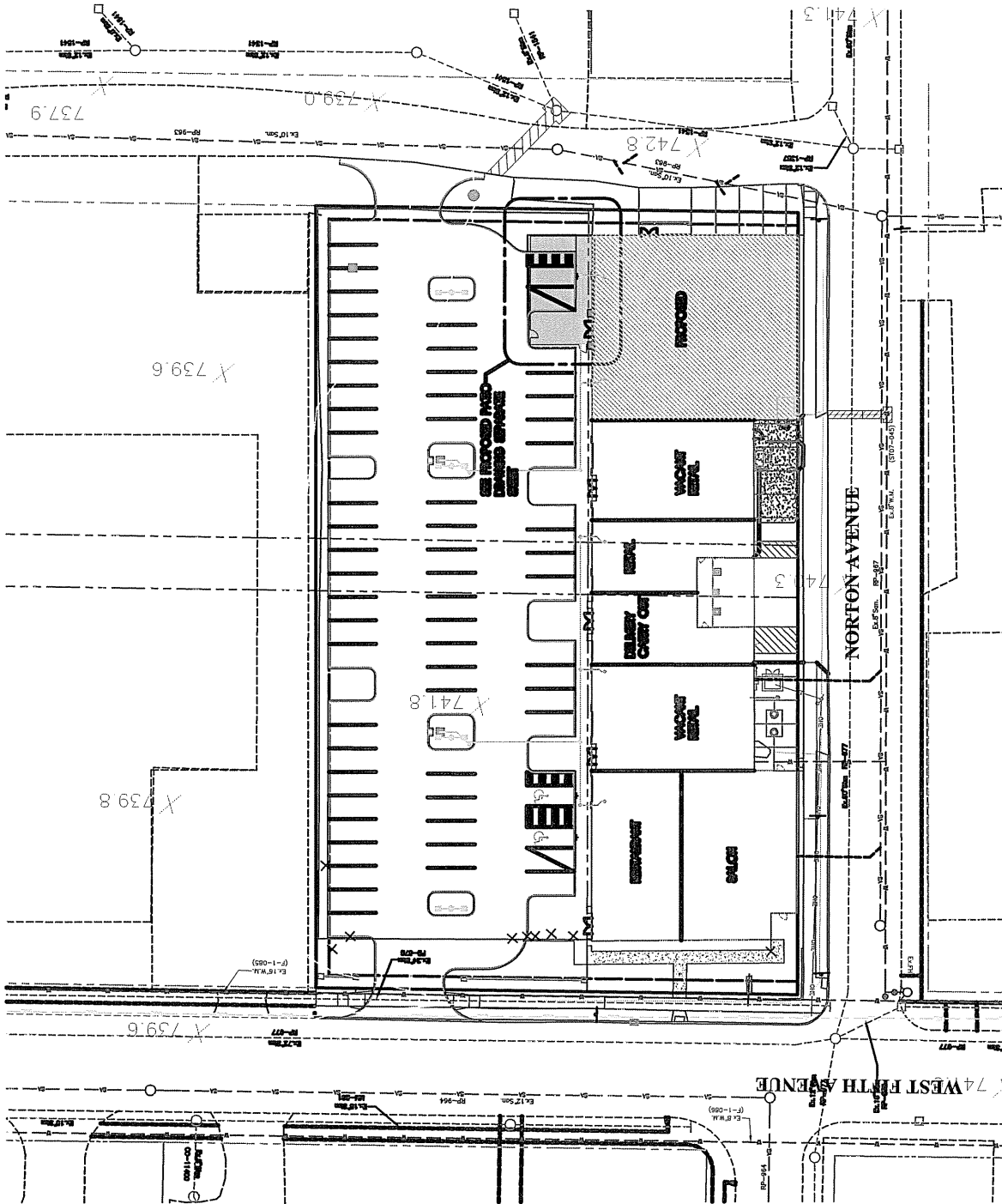
The Property owners is in the process of obtaining agreements with contiguous property owners for 15 parking spaces from 5:00 p.m. – 7:00 a.m., adjoining property owners for the use of 10-15 parking spaces, and parking on the contiguous street (Norton Avenue) is allowed.

See attached parking and required parking.

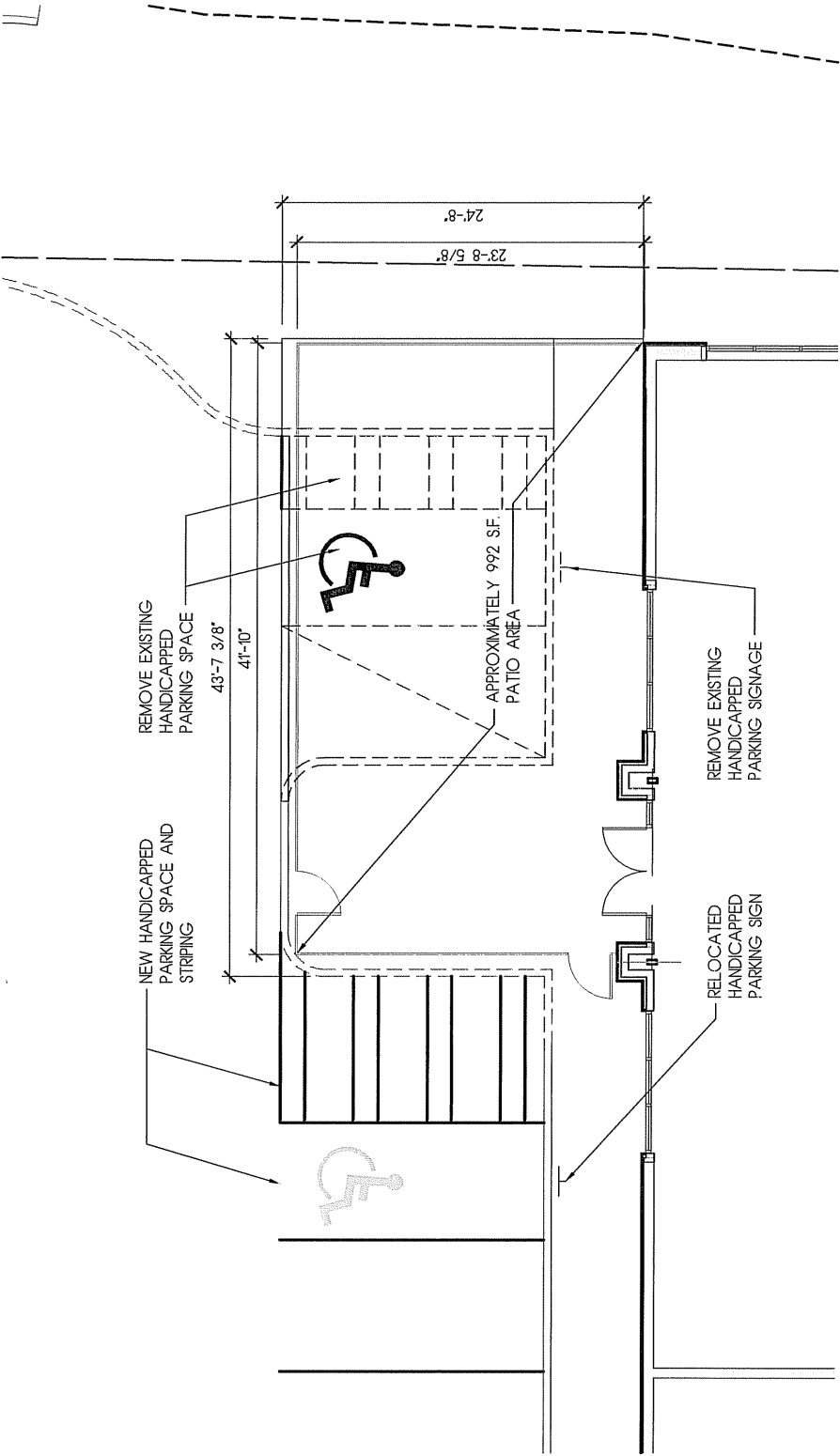
Use	Sq. Footage	Ratio	Reduction	Required Parking
Restaurant	7,500 s.f.	1:75	25%	75
Retail	11,500 s.f.	1:250	50%	23
Patio	1,000 s.f.	1:150	50%	4
Total parking required				102 spaces
Total parking existing				90 spaces
Due to proposed patio development 3 spaces will be lost				
Total parking proposed				87 spaces



12310-00000-00694
955 WEST 5th AVENUE



PATIO CONCEPT PLAN
955 WEST 5TH AVENUE DESIGN CENTER
COLUMBUS, OHIO
NOVEMBER 12, 2012



PATIO CONCEPT PLAN
955 WEST 5TH AVENUE DESIGN CENTER
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PROJECT DISCLOSURE STATEMENT

Parties having a 5% or more interest in the project that is the subject of this application.

THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED. Do not indicate 'NONE' in the space provided.

APPLICATION # **12310-00000-00694**
955 WEST 5th AVENUE

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Gary B. Gitlitz
of (COMPLETE ADDRESS) 5003 Horizons Drive, Suite 200, Columbus, OH 43220

deposes and states that (he/she) is the APPLICANT, AGENT OR DULY AUTHORIZED ATTORNEY FOR SAME and the following is a list of all persons, other partnerships, corporations or entities having a 5% or more interest in the project which is the subject of this application and their mailing addresses:

NAME	COMPLETE MAILING ADDRESS
Behrooz Saberi	921 Polaris Parkway, Columbus, OH 43240
Simon Saberi	4844 Adele Court, Woodland Hills, CA 91364
Ely Dromy	615 Bedford Avenue, Beverly Hills, CA 90210

SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 12th day of November, in the year 2012

SIGNATURE OF NOTARY PUBLIC

Nov. 2, 2013

My Commission Expires:



TIFFANY ALSBAUGH, Notary Public
In and for the State of Ohio
My Commission Expires Nov. 2, 2013

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